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Application denied. The conference scheduled for March 23, 2023 will proceed as planned.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 38.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
March 21, 2023

VIA ECF

Hon. Philip M. Halpern
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Endico Potatoes, Inc. v. L. Dontis Produce and James G. Koutsodontis
Case No.: 22CV4068(PMH(AEK))

Dear Judge Halpern:

We are the attorneys' for the plaintiff in the above-entitled action.

My partner, Howard Rosenberg, Esq., and Brian Hufnagel of the Morrison law firm have been in settlement discussions for the past month or two in connection with the proceeding in the U.S. Bankruptcy Court, involving the individual defendant, James G. Koutsodontis. To date, there has not a resolution although there have been proposals and counter-proposals made. In that proceeding, we filed an adversary complaint and hopefully that will help the parties toward settlement.

In that regard, counsel for the defendant and I would appreciate an adjournment of Thursday's conference. I served him with a request to admit and I am waiting to receive his response to that document.

Quite frankly, we have not conducted extensive discovery in this case, in view of the Bankruptcy proceeding and especially since the defendant is out-of-business. Although we do intend, as plaintiff, to seek a judgment in this case – probably through a motion for summary judgment.

Therefore, we request an adjournment of thirty days, during which time, hopefully, we will be able to advise the Court of exactly where we are in terms of resolution of this case and proceed

to achieve some result in this case.

The courtesy and cooperation of Chambers is appreciated.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Leonard Kreinces", written over the typed name.

LEONARD KREINCES

LK/dm

cc: Morrison & Tenenbaum, PLLC (via ECF)